

SERVICE DATE – LATE RELEASE JUNE 12, 2015

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 439 (Sub-No. 1X)

DALLAS AREA RAPID TRANSIT—ABANDONMENT EXEMPTION—IN DALLAS
COUNTY, TX.

Decided: June 12, 2015

Dallas Area Rapid Transit (DART), The Kansas City Southern Railway Company (KCS), and Dallas, Garland and Northeastern Railroad Company (DGNO) jointly filed a notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments and Discontinuances of Service for DART to abandon and KCS and DGNO to discontinue trackage rights over approximately 11.45 miles of railroad between approximately milepost 45.5 at Westmoreland Road and approximately milepost 56.95 at Tenison, in Dallas, Dallas County, Tex. Notice of the abandonment and discontinuance exemptions was served and published in the Federal Register on June 30, 2003 (38,752).¹ The exemptions became effective on July 30, 2003.

By decision served July 29, 2003, the abandonment portion of the proceedings was reopened at the request of the Board's Section of Environmental Analysis (SEA),² and the exemption was made subject to the following conditions: (1) a historic preservation condition requiring DART to retain the line segment unaltered until completion of the Section 106 process of the National Historic Preservation Act, 16, U.S.C. 470f, and (2) a condition requiring DART to consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying two identified geodetic station markers prior to salvage activities in order to plan for the markers relocation. In this decision, the historic preservation condition will be removed.³

In a Supplemental Final EA dated May 13, 2015, OEA notes that on that day it received correspondence from the Texas Historical Commission (SHPO) concerning the Section 106 condition. It is the SHPO's position that the continued use of the trestle bridge as a hiking and biking trail, as well as satisfaction of all other stipulations referenced in comments to the abandonment, are adequate mitigation for the adverse effects associated with abandoning the

¹ The notice embraced Kansas City Southern Railway—Discontinuance of Trackage Rights Exemption—in Dallas County, Tex., AB 103 (Sub-No. 16X), and Dallas, Garland & Northeastern Railroad—Discontinuance of Trackage Rights Exemption—in Dallas County, Tex., AB 585.

² SEA is the predecessor to the Board's Office of Environmental Analysis (OEA).

³ The consultation condition imposed in the July 29, 2003 decision remains in effect.

line. OEA states the correspondence received from the SHPO concludes the final step of the Section 106 process.

For the foregoing reasons, OEA recommends that the Section 106 condition be removed. Accordingly, based on OEA's recommendation, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The Section 106 historic preservation condition imposed in the July 29, 2003 decision is removed.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.